

FILED

08 MAR 18 PM 3:10

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: ECL DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT JOSEPH THOM,

Defendant.

Criminal Case No. 08-MJ-0758-POR

**FINDINGS OF FACT AND ORDER OF  
DETENTION**

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.), a detention hearing was held on March 12, 2008 to determine whether defendant Robert Joseph Thom (the "Defendant") should be held in custody pending his sentencing hearing in the Eastern District of California on the grounds that Defendant is a flight risk. Assistant U.S. Attorney George Manahan appeared on behalf of the United States; attorney Victor N. Pippins appeared on behalf of the Defendant.

Based on the evidence proffered by the United States and Defendant, the pretrial services report, and the complaint, the Court concludes that the following facts establish by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required.

///

///

## I.

**FINDINGS OF FACT****A. Nature and Circumstances of the Offense Charged (18 U.S.C. § 3142(g)(1))**

1. On September 6, 2007, an indictment was returned in the Eastern District of California charging defendant with 10 counts of wire fraud stemming from Defendant's requests to obtain donated sick leave from fellow employees of United States Geological Service based on Defendant's claim to be inflicted with multiple tumors requiring multiple emergency surgeries.

2. On November 30, 2007, Defendant pled guilty to the 10 count indictment from the Eastern District of California. Defendant was allowed to remain on bail pending his sentencing.

3. On March 7, 2008, Defendant failed to appear for a judgment and sentencing proceeding before Senior Judge Edward J. Garcia of the Eastern District of California. The court revoked Defendant's bail and issued a no-bail arrest warrant.

4. On March 10, 2008, Defendant appeared before this Court after being arrested based on the warrant from the Eastern District of California by a Deputy United States Marshal.

5. The Court finds the nature and circumstances of the offense charged weighs in favor of detention.

**B. Weight of the Evidence Against the Defendant (18 U.S.C. § 3142(g)(2))**

1. Defendant pled guilty to the 10 count indictment.

2. While admittedly the least important factor, this factor weighs in favor of detention.

**C. History and Characteristics of the Defendant (18 U.S.C. § 3142(g)(3))**

1. Pretrial services presented evidence that Defendant has a psychiatric condition requiring multiple medications to treat. This factor weighs in favor of detention.

2. Defendant's criminal history includes a misdemeanor offense involving the violation of a court order. This factor weighs in favor of detention.

3. The other 3142(g) factors are viewed by the Court as being neutral or weighing slightly in favor of setting bail.

///

///

1 II.

2 **REASONS FOR DETENTION**

3 A. There is at least probable cause to believe that Defendant committed the underlying  
4 offense charged in the indictment from the Eastern District of California, namely, 10 counts of wire  
5 fraud in violation of 18 U.S.C. § 1343.

6 B. Defendant failed to appear for his sentencing hearing in the Eastern District of  
7 California and therefore presents a risk of fleeing if not detained.

8 C. Senior Judge Edward J. Garcia issued a no-bail arrest warrant.

9 D. Defendant has one or more psychiatric conditions that increase the chance of his not  
10 appearing in the Eastern District of California if released on bail.

11 III.

12 **ORDER**

13 IT IS HEREBY ORDERED that Defendant be detained pending his sentencing hearing in  
14 the Eastern District of California.

15 IT IS FURTHER ORDERED that the Defendant be committed to the custody of the  
16 Attorney General or his designated representative for confinement in a corrections facility separate,  
17 to the extent practicable, from persons awaiting or serving sentences or being held in custody  
18 pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation  
19 with counsel.

20 While in custody, upon order of a court of the United States or upon the request of an  
21 attorney for the United States, the person in charge of the correctional facility shall deliver the

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

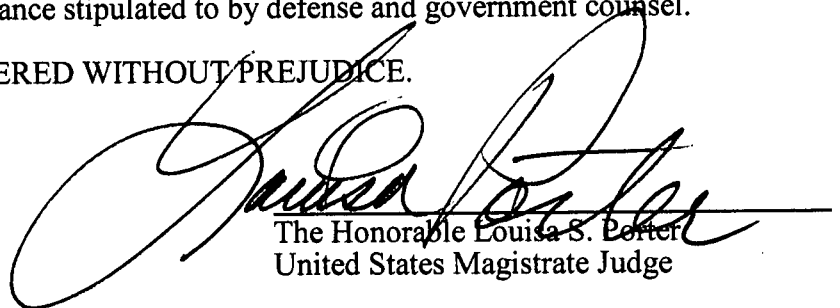
28 ///

1 Defendant to the United States Marshal for the purpose of an appearance in connection with a court  
2 proceeding or any other appearance stipulated to by defense and government counsel.

3 THIS ORDER IS ENTERED WITHOUT PREJUDICE.

4 IT IS SO ORDERED.

5 DATED: 3/18/08

  
The Honorable Louisa S. Porter  
United States Magistrate Judge

7 Prepared by:

8 s/George V. Manahan  
9 George V. Manahan  
10 Assistant U.S. Attorney  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28